



## **Guideline for Arbitrators • Berlin Premoot 2018**

For updated information, please visit our website [www.hma-berlin.de](http://www.hma-berlin.de)

### **Location**

Registration of the Berlin Premoot 2018 is situated in Room E25 of the Law Faculty of Humboldt-Universität, Unter den Linden 9, 10117 Berlin.

Hearings will take place in the same building. On Friday, some hearings will take place at law firms in the vicinity.

The pairings of the teams and the exact allocation of the rooms will be announced in the week leading up to the Premoot. The tribunal compositions will be communicated at the same time, but may be subject to changes.

As the hearings start punctually, please be at the location 15 minutes in advance.

### **The Tribunal and the Parties**

The Tribunal consists of three arbitrators: two “party-appointed” arbitrators and the presiding arbitrator

Please shortly introduce yourselves at the beginning of the session.

Each of the two parties is represented by two counsel (team members, also called “Mooties”).

### **The Proceedings**

#### *Beginning*

- Introduction of the Tribunal
- Introduction of counsel
- Discussion of the conduct and structure of the proceedings (order in which counsel will address the issues, which party commences on which issue, time allocation, rebuttals)
- The Tribunal may determine the conduct and structure of the hearings on its own or consider suggestions from counsel

#### *Timeframe and time allocation*

- One argument lasts 1 hour. Including feedback, the session should last max. 1 ½ hours. Please ensure that this timeframe is kept.
- Each counsel has 15 minutes to present his/her submissions. Accordingly, each party should have 30 minutes to present its case *including* rebuttal time.
- Time may be added, e.g. to compensate for time lost due to complex questions.
- Please provide the teams with feedback directly after the hearing in order to

help them improve their presentations. This feedback should not exceed 5-10 minutes *per arbitrator*.

### *Course of proceedings – Example*

One possible way to structure the argument is as follows:

#### **A. Procedural Issues**

1. Respondent on the Tribunal's power to decide the challenge of the party-appointed arbitrator, Mr. Prasad and the grounds for challenge  
Time: 14 minutes
2. Claimant's answer  
Time: 14 minutes
3. Respondent's rebuttal on the issues  
Time: approx. 1 minute (likely shorter)
4. Claimant's sur-rebuttal on the issues raised in Respondent's rebuttal  
Time: 1 minute

#### **B. Substantive Issues**

1. Claimant on the issues of whose party's standard conditions govern the contract and whether, in case Respondent's standard conditions are applicable, Respondent's Code of Conduct provides for an obligation of result.  
Time: 14 minutes
2. Respondent's answer  
Time: 14 minutes
3. Claimant's rebuttal on the issues  
Time: approx. 1 minute (likely shorter)
4. Respondent's sur-rebuttal on the issues raised in Respondent's rebuttal  
Time: 1 minute

### **Feedback**

Please provide all counsel with short feedback, focussing on:

- Content and legal arguments
- Language
- Body language
- Presentation
- Anything else that you think could be improved

The Premoot is a practice moot, so please do not hesitate to provide critical, yet constructive feedback. It is vital for all Mooties to identify weak points of the presentations in order to be well-prepared for the final rounds in Hong Kong and Vienna.